

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Jason Crews,

Plaintiff,

v.

Persons associated with (602) 898-8725,

Defendants.

No. CV-24-01342-PHX-KML

ORDER

On September 11, 2024, the court denied plaintiff Jason Crews's initial request to conduct early discovery to identify who is associated with the 8725 telephone number. (Doc. 11.) The court concluded Crews had not shown a "reasonable likelihood" the discovery he would like to request from nonparty Onvoy would produce information identifying individuals or entities associated with the 8725 number. The court informed Crews he could "renew his motion for early discovery if he [could] offer significantly more details explaining his request." (Doc. 11 at 2.)

On September 14, 2024, Crews filed his second motion for early discovery. (Doc. 12.) That motion provided a very limited amount of additional information. Crews argued "Onvoy provides telecommunication services such as network-based and messaging services to wireless, cable carrier, and communication service providers." (Doc. 12 at 2.) Crews describes Onvoy as an "intermediary between different carriers to ensure that calls and messages reach their intended destinations smoothly." (Doc. 12 at 2.) And Crews anticipates needing two more subpoenas after he obtains the information from Onvoy. The

1 renewed motion still does not provide sufficient information to allow early discovery.

2 Crews has not explained in sufficiently clear terms the nature of Onvoy's business,
3 nor has he explained the basis for his belief that allowing a subpoena to Onvoy will result
4 in the information he seeks. While Onvoy is an "intermediary," that does not provide useful
5 insight into the role Onvoy plays in connection with calls to Crews's phone number. In
6 addition, Crews does not provide any factual basis for his speculative and vague assertion
7 that after issuing a subpoena to Onvoy, no more than two additional subpoenas would be
8 needed. *See Malibu Media, LLC v. Doe*, 319 F.R.D. 299, 305 (E.D. Cal. 2016) (plaintiff
9 must establish "discovery is likely to lead to identifying information that will permit service
10 of process"); *cf. Pace v. Cirrus Design Corp.*, 93 F.4th 879, 902 (5th Cir. 2024) ("vague
11 assertions that additional discovery will produce needed, but unspecified facts" are
12 insufficient to permit early discovery). It is now clear a subpoena to Onvoy would merely
13 be the first step in a sequence of discovery that might take months and still not result in
14 identifying a defendant. In these circumstances, the court will not authorize early
15 discovery.

16 Crews has admitted he has no way of identifying appropriate defendants without
17 early discovery and the deadline for service of process has expired. Therefore, the
18 complaint is dismissed without prejudice. Crews may file a new complaint if he is able to
19 obtain additional identifying information regarding the defendants.

20 Accordingly,

21 **IT IS ORDERED** the motion for early discovery (Doc. 12) is **DENIED**.

22 **IT IS FURTHER ORDERED** the complaint is **DISMISSED WITHOUT**
23 **PREJUDICE**. The Clerk of Court shall enter judgment accordingly.

24 Dated this 24th day of September, 2024.

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28 Honorable Krissa M. Lanham
United States District Judge